

GULF RESOURCES & CHEMICAL CORPORATION

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July 13, 1990

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Via Federal Express

OFFICE OF REGIONAL COUNSEL
EPA - REGION X

Mr. Charles E. Findley
Director, Hazardous Waste Division
United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Re: Plans Required Under 1989 Administrative
Unilateral Order 1089-10-21-106

Dear Mr. Findley:

I am writing with regard to the Asbestos Removal, PCB Management and Disposal, Monitoring and Decontamination, and Quality Assurance plans required under the above-referenced Order.

Prior correspondence submitted by Gulf to EPA in response to this Order has described our view that many of the requirements included in the Order are not properly directed at Gulf. See Mr. Weinberg's letters of October 30, November 2, and November 6, 1989, my letter of March 23, 1990 and Mr. Weinberg's of June 13, 1990. We nonetheless have proceeded in good faith to seek to respond to conditions described in the Order, and presently expect to continue to do so.

The Monitoring and Decontamination and Quality Assurance plans are directed to matters wholly within the control of the Bunker Limited Partnership and its related entities. Nonetheless, as in the past, we have offered our assistance to those entities in preparing the plans and revisions in response to the comments transmitted by Ms. Martyn on June 13. It further is our understanding, based on communication with counsel for the Partnership entities, that they anticipate submitting to you satisfactory revisions of those plans.

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As you know, on March 23, 1990, Gulf submitted to the Agency a proposed PCB management and disposal plan. The comments received from Ms. Martyn in mid-June addressed principally the Agency's dissatisfaction with the scope of that plan, but neither provided any detailed critique of its contents nor requested further specification. In subsequent conversations, Mr. Bakalian told Mr. Weinberg that the Agency was preparing a further letter more specifically addressing our submission, but we have not yet received that letter. However, Mr. Bakalian generally indicated that the Agency's concerns with the plan Gulf submitted, in addition to being dissatisfied with its scope, related to its lack of specificity with regard to the procedures that would be undertaken.

The scope of our submitted PCB plan was fully explained in my March 23 letter. We continue to maintain the position described therein. In response to the second and third comments on the PCB plan attached to Ms. Martyn's June 13 letter, however, and Mr. Bakalian's further comments to Mr. Weinberg, we are enclosing with this letter a revision of that plan which provides greater detail on it.

In my March 23 letter I also explained why we anticipated that the asbestos plan requirement would satisfactorily be met by the Partnership entities. We continue to hope this will be the case. In view of the Agency's obvious dissatisfaction with the Partnership's prior response, however, we are submitting with this letter a specific asbestos removal plan which Gulf would be prepared to implement. As with our PCB plan, this asbestos plan calls for the further inspection of the smelter complex and the prompt remediation of any asbestos which threatens release into the environment.

While we are not submitting a separate QA/QC plan, you will note that both our PCB and asbestos plans anticipate development and implementation of QA/QC plans pertaining to the activities encompassed within them.


We recognize that the Agency maintains a broader view than we of Gulf's responsibility for conditions presently existing at the smelter complex, and of the potential threat those conditions may present. In seeking the Agency's comments upon and approval of the enclosed PCB and asbestos plans, we do not expect the Agency to compromise its view as to whether those plans are sufficiently comprehensive. Rather, we simply seek confirmation that, to the extent these plans are implemented, the Agency believes that the approaches described in them would be

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satisfactory to meet the goals the plans themselves describe. It also is our hope that through negotiations underway in other contexts and in future discussions with the Agency, and before a court might be called upon to address the issues raised by the Administrative Unilateral Order, it will be possible for us to mutually agree on appropriate steps to be taken at the complex.

We look forward to your approval of the enclosures so that we can schedule the initiation of work to implement them.

Sincerely yours,

Gene M. Baker 
Gene M. Baker

Enclosures

cc: Ms. Sally Martyn
Allan Bakalian, Esq.
Les Weatherhead, Esq.